

(PRE-FILED)

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By: **Delegate Lee**  
Requested: August 6, 2003  
Introduced and read first time: January 14, 2004  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Unauthorized Computer Access for Sabotage of State Government**  
3 **or Public Utilities**

4 FOR the purpose of prohibiting a person from intentionally and willfully gaining  
5 unauthorized access to computer services with the intent to interrupt or impair  
6 the functioning of the State government or a service provided in the State by a  
7 public service company; establishing certain penalties; and generally relating to  
8 the unauthorized access of computer services to interrupt or impair the State  
9 government or certain public utility services.

10 BY repealing and reenacting, with amendments,  
11 Article - Criminal Law  
12 Section 7-302  
13 Annotated Code of Maryland  
14 (2002 Volume and 2003 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - Criminal Law**

18 7-302.

19 (a) (1) In this section the following words have the meanings indicated.

20 (2) "Access" means to instruct, communicate with, store data in, retrieve  
21 or intercept data from, or otherwise use the resources of a computer program,  
22 computer system, or computer network.

23 (3) (i) "Aggregate amount" means a direct loss of property or services  
24 incurred by a victim.

25 (ii) "Aggregate amount" includes:

1                                   1.       the value of any money, property, or service lost, stolen, or  
2 rendered unrecoverable by the crime; or

3                                   2.       any actual reasonable expenditure incurred by the victim  
4 to verify whether a computer program, computer, computer system, or computer  
5 network was altered, acquired, damaged, deleted, disrupted, or destroyed by access in  
6 violation of this section.

7                   (4)       (i)       "Computer" means an electronic, magnetic, optical, organic, or  
8 other data processing device or system that performs logical, arithmetic, memory, or  
9 storage functions.

10                   (ii)       "Computer" includes property, a data storage facility, or a  
11 communications facility that is directly related to or operated with a computer.

12                   (iii)       "Computer" does not include an automated typewriter, a  
13 typesetter, or a portable calculator.

14                   (5)       "Computer control language" means ordered statements that direct a  
15 computer to perform specific functions.

16                   (6)       "Computer database" means a representation of information,  
17 knowledge, facts, concepts, or instructions that:

18                   (i)       is intended for use in a computer, computer system, or computer  
19 network; and

20                   (ii)       1.       is being prepared or has been prepared in a formalized  
21 manner; or

22                                   2.       is being produced or has been produced by a computer,  
23 computer system, or computer network.

24                   (7)       "Computer network" means the interconnection of one or more  
25 computers through:

26                   (i)       the use of a satellite, microwave, line, or other communication  
27 medium; and

28                   (ii)       terminals or a complex consisting of two or more interconnected  
29 computers regardless of whether the interconnection is continuously maintained.

30                   (8)       "Computer program" means an ordered set of instructions or  
31 statements that may interact with related data and, when executed in a computer  
32 system, causes a computer to perform specified functions.

33                   (9)       "Computer services" includes computer time, data processing, and  
34 storage functions.

35                   (10)       "Computer software" means a computer program, instruction,  
36 procedure, or associated document regarding the operation of a computer system.

1 (11) "Computer system" means one or more connected or unconnected  
2 computers, peripheral devices, computer software, data, or computer programs.

3 (b) This section does not preclude the applicability of any other provision of  
4 this Code.

5 (c) (1) A person may not intentionally, willfully, and without authorization  
6 access, attempt to access, cause to be accessed, or exceed the person's authorized  
7 access to all or part of a computer network, computer control language, computer,  
8 computer software, computer system, computer services, or computer database.

9 (2) A person may not commit an act prohibited by paragraph (1) of this  
10 subsection with the intent to:

11 (i) cause the malfunction or interrupt the operation of all or any  
12 part of a computer, computer network, computer control language, computer  
13 software, computer system, computer services, or computer data; or

14 (ii) alter, damage, or destroy all or any part of data or a computer  
15 program stored, maintained, or produced by a computer, computer network, computer  
16 software, computer system, computer services, or computer database.

17 (3) A person may not intentionally, willfully, and without authorization:

18 (i) possess, identify, or attempt to identify a valid access code; or

19 (ii) publicize or distribute a valid access code to an unauthorized  
20 person.

21 (4) A PERSON MAY NOT COMMIT AN ACT PROHIBITED UNDER THIS  
22 SUBSECTION WITH THE INTENT TO INTERRUPT OR IMPAIR THE FUNCTIONING OF:

23 (I) THE STATE GOVERNMENT; OR

24 (II) ANY SERVICE PROVIDED IN THE STATE BY A PUBLIC SERVICE  
25 COMPANY, AS DEFINED IN § 1-101 OF THE PUBLIC UTILITY COMPANIES ARTICLE.

26 (d) (1) A person who violates subsection (c)(1) of this section is guilty of a  
27 misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a  
28 fine not exceeding \$1,000 or both.

29 (2) A person who violates subsection (c)(2) or (3) of this section:

30 (i) if the aggregate amount of the loss is \$10,000 or more, is guilty  
31 of a felony and on conviction is subject to imprisonment not exceeding 10 years or a  
32 fine not exceeding \$10,000 or both; or

33 (ii) if the aggregate amount of the loss is less than \$10,000, is guilty  
34 of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years  
35 or a fine not exceeding \$5,000 or both.

1           (3)     A PERSON WHO VIOLATES SUBSECTION (C)(4) OF THIS SECTION:

2                   (I)     IF THE AGGREGATE AMOUNT OF THE LOSS IS \$50,000 OR MORE,  
3 IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT  
4 EXCEEDING 15 YEARS OR A FINE NOT EXCEEDING \$50,000 OR BOTH; OR

5                   (II)    IF THE AGGREGATE AMOUNT OF THE LOSS IS LESS THAN  
6 \$50,000, IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO  
7 IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$25,000 OR  
8 BOTH.

9     (e)     Access achieved in violation of this section under a single scheme or a  
10 continuing course of conduct may be considered as one violation.

11    (f)     A court of competent jurisdiction may try a person prosecuted under this  
12 section in any county in this State where:

13           (1)     the defendant performed the act; or

14           (2)     the accessed computer is located.

15    SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2004.